

REMARKS

In an Office Action mailed on August 3, 2004, an objection was made to claim 7; claims 1, 2, 5, 7, 8 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain; claims 3, 6, 9 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Baron and further in view of Ceccherelli; claims 18, 21 23 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain in view of Howard; claims 19 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Howard and further in view of Baron; claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Howard and further in view of alleged Applicant's Admitted Prior Art; claims 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Howard and further in view of Ceccherelli; and claims 13-17 were allowed. Claim 7 has been amended to address the objection to this claim. In particular, claim 7 has been amended to read as suggested by the Examiner and to correct a typographical error in line 8. Therefore, no further consideration and/or search is required by the Examiner, and thus, entry of the amendment to claim 7 is requested. The § 103 rejections are addressed below.

Rejections of Claims 1-3, 5 and 6:

The method of independent claim 1 includes in response to the indication of a thermal event, controlling a signal that is associated with a mechanical power switch of a computer system and powering down other components of the computer system in response to the signal. As pointed out in the previous reply, Hussain does not specify a power down sequence for a processor relative to other components of a computer system. Hussain also does not teach or suggest the relationship between powering down of components of a computer system and a signal that is associated with a mechanical power switch.

Baron, relied on by the Examiner in the § 103 rejection of claim 1, generally discloses a signal (called "PSWITCHW") that emulates a pulse output from a power switch 205. However, Baron does not teach or suggest all of the claim limitations that are missing from Hussain. For example, Baron does not teach or suggest powering down a processor independently from the PSWITCHW signal and powering down other components in response to the PSWITCHW signal. In this regard, Baron simply states that the system 100 is "shut-down." Baron, 7:6.

Furthermore, Baron states that, "after the software and data have been saved, the primary 12 V, 5 V and 3.3 V power are turned-off." Baron, 7:36-37.

Thus, neither Hussain nor Baron teaches or suggests the controlling and powering down acts that are recited in claim 1. Furthermore, there is no teaching or suggestion in Baron relating to using the PSWITCHW signal for purposes of control and shut-down in the case of a thermal event.

"Obviousness cannot be predicated on what is unknown." *In re Spormann*, 363 F.2d 444, 448, 150 USPQ 449, 452 (CCPA 1966). Rather, the must show that one skilled in the art, *without knowledge of the claimed invention*, would have combined Hussain and Baron to derive the claimed invention. The Examiner has failed to make this showing for at least the reason that all of the claim limitations are not present in the hypothetical combination of Hussain and Baron. Furthermore, the Examiner fails to establish a *prima facie* case of obviousness for claim 1 for at least the reason that the Examiner fails to show where the prior art contains the alleged suggestion or motivation to combine Baron and Hussain to derive the claimed invention. M.P.E.P. § 2143. Therefore, for at least any one of these reasons, a *prima facie* case of obviousness has not been established for independent claim 1.

Claims 2, 3, 5 and 6 are patentable for at least the reason that these claims depend from an allowable claim. Therefore, for at least the reasons that are set forth above, withdrawal of the § 103 rejections of claims 1-3, 5 and 6 is requested.

Rejections of Claims 7-12:

The computer system of independent claim 7 includes a circuit to in response to an indication of a thermal event control the signal, control a signal associated with a mechanical switch and power down a processor independently from the signal. Furthermore, the circuit powers down other power consuming components in response to the signal.

See discussion of claim 1 above. In particular, the hypothetical combination of Hussain and Baron fails to teach or suggest all limitations of claim 7. For example, neither Hussain nor Baron specifies a different power down sequence for a processor than for other power-consuming components. Furthermore, the Examiner has failed to show the existence of the alleged suggestion or motivation to combine Baron and Hussain to derive the claimed invention.

Therefore, for at least any of these reasons, a *prima facie* case of obviousness has not been set forth for independent claim 7.

Claims 8, 9, 11 and 12 are patentable for at least the reason that these claims depend from an allowable claim. Therefore, for at least the reasons that are set forth above, withdrawal of the § 103(a) rejections of claims 7-9, 11 and 12 is requested.

Rejections of Claims 18-22:

The method of claim 18 includes receiving an indication of a thermal event in a processor. The processor is part of a computer system. In response to the indication of the thermal event, the processor is powered down before any other components of the computer system are powered down.

The Examiner acknowledges that Hussain fails to teach or suggest a power down sequence for a processor relative to the other components of a computer system. Office Action, 7. In an attempt to supply the missing claim limitations, the Examiner relies on Howard, a reference that discloses a sequence to power down a multiprocessor system to transition the system into a power conservation state. As depicted in Fig. 1B, this technique includes placing the last processor in a low power mode and subsequently shutting down unneeded subsystem as depicted in block 44 of Fig. 1. However, a *prima facie* case of obviousness requires more than just piecewise combination of elements from various references.

In particular, a *prima facie* case of obviousness requires the Examiner to show where the prior art contains the alleged suggestion or motivation for the modification of a reference to derive the claimed invention. Here, in the instant application, this means that the Examiner must show that one skilled in the art, in view of Howard and Hussain, would have modified Hussain to power down the processor before other components in response to a thermal event. Howard does not address or even contemplate a thermal event occurring. Thus, there is no suggestion or motivation present in Howard or Hussain to modify Hussain so that Hussain's system powers down the same way in response to a thermal event as Howard's system enters a power conservation state. Without such a suggestion or motivation, a *prima facie* case of obviousness has not been established for independent claim 18.

Claims 19-22 are patentable for at least the reason that these claims depend from an allowable claim. Therefore, for at least the reasons set forth above, withdrawal of the § 103(a) rejections of claims 18-22 is requested.

Rejections of Claims 23-26:

The computer system of claim 23 includes a processor, a power supply subsystem and a circuit. The processor is capable of indicating a thermal event. The power supply subsystem supplies power to the processor; and the circuit interacts with the power supply subsystem to, in response to the processor indicating the thermal event, power down the processor before powering down any other components of the computer system.

The Examiner rejects independent claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Hussain in view of Howard. See discussion of claim 18 above. In particular, the Examiner has failed to show where the alleged suggestion or motivation exists to modify Hussain's thermal event power down sequence in view of Howard's power conservation mode transition sequence to derive the claimed invention. Without such a showing, a *prima facie* case of obviousness has not been established for claim 23.

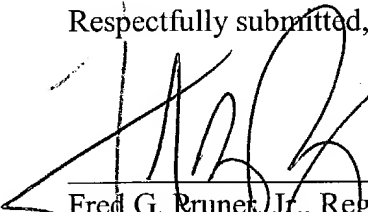
Claims 24-26 are patentable for at least the reason that these claims depend from an allowable claim. Therefore, for at least the reasons set forth above, withdrawal of the § 103(a) rejections of claims 23-26 is requested.

CONCLUSION

In view of the foregoing, withdrawal of the § 103(a) rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0645US).

Respectfully submitted,

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